

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

JENNIE MARIE LOEFFLER,

Plaintiff,

v.

ORDER

Civil File No. 13-2060 (MJD/TNL)

CITY OF ANOKA, et al.,

Defendants.

Kenneth H. Fukuda, Lorenz F. Fett, Jr., Mark H. Zitzewitz, Sonia L. Miller-Van Oort, and Jonathan A. Strauss, Sapientia Law Group, PLLC, Counsel for Plaintiff Jennie Marie Loeffler.

Jon K. Iverson, Stephanie A. Angolkar, and Susan M. Tindal, Iverson Reuvers Condon, Counsel for Defendants City of Anoka, City of Burnsville, Dakota County Communications Center, City of Eagan, City of Fairmont, City of Farmington, City of Hancock, City of Lakeville, City of Mankato, City of Milaca, City of Morris, City of New Prague, City of Pequot Lakes, City of Richfield, City of Roseville, City of St. Francis, and City of Staples.

Amelia N. Jadoo, Andrea G. White, and Helen R. Brosnahan, Dakota County Attorney's Office, Counsel for Defendant Dakota County.

M. Alison Lutterman and Nathan N. LaCoursiere, Duluth City Attorney's Office, Counsel for Defendant City of Duluth.

Jamie L. Guderian and Joseph E. Flynn, Jardine Logan & O'Brien PLLP, Counsel for Defendants Isanti County, Mille Lacs County, Renville County, Rice County, Wright County, and Yellow Medicine County.

Oliver J. Larson, Minnesota Attorney General's Office, Counsel for Defendants Michael Campion and Ramona Dohman.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated June 24, 2014. Plaintiff and Defendant the City of Duluth have filed objections to the Report and Recommendation.

The Report and Recommendation notes that “[t]here is some question as to whether Duluth intends to move for judgment on the pleadings with respect to its employee, Defendant Female Officer.” (R&R at 68.) In the City of Duluth’s objections, it clarified that it did not move to dismiss claims against Defendant Female Officer at this time, because she has not yet been served or named. Therefore, because no motion to dismiss the claims against Defendant Female Officer has yet been brought in this case, the Court declines to adopt the portions of the Report and Recommendation that address the claims against Defendant Female Officer, Sections III(D)(1)(b)-(c).

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court **adopts** the Report and Recommendation of United States Magistrate Judge Leung dated June 24, 2014, with the exception that, at this time, the Court declines to address the claims against Defendant Female Officer.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Tony N. Leung dated June 24, 2014 [Docket No. 102], with the exception that, at this time, the Court declines to adopt the portion of the Report and Recommendation that addresses the claims against Defendant Female Officer.
2. Commissioners Michael Campion and Ramona Dohman's Motion to Dismiss [Docket No. 19] is **GRANTED**.
3. County of Dakota's Motion to Dismiss [Docket No. 33] is **GRANTED**.
4. Motion to Dismiss of Defendants Isanti County, Mille Lacs County, Renville County, Rice County, Wright County and Yellow Medicine County [Docket No. 39] is **GRANTED**.
5. Defendant City of Duluth's Motion to Dismiss Pursuant to Fed. R. Civ. P. 8(a)(2) and 12(b)(6) [Docket No. 49] is **GRANTED**.
6. Cities of Anoka, Burnsville, Eagan, Fairmont, Farmington, Hancock, Lakeville, Mankato, Milaca, Morris, New Prague, Pequot Lakes, Richfield, Roseville, St. Francis, and Staples and

the Dakota County Communications Center's Motion to Dismiss
[Docket No. 53] is **GRANTED**.

Dated: September 9, 2014

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court